

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**WESTCHESTER FIRE INSURANCE
COMPANY,**

Plaintiff,

vs.

**EDGE ELECTRIC, LLC, TROY LITTLE,
and PATRICIA STROUD,**

Defendants.

8:22CV170

ORDER

This matter comes before the Court after review of Plaintiff's Petition to Hold Troy Little in Contempt of Court and For Issuance of a Bench Warrant ([Filing No. 44](#)). Plaintiff requests that the Court hold Mr. Little in contempt for failing to obey the Court's previous orders to produce discovery and to pay Plaintiff the sanction of \$1,858.38. Plaintiff asks the Court to issue a bench warrant for Mr. Little's arrest and to order his appearance before the Court if Mr. Little does not purge his contempt by producing responsive documents and paying the attorney fees sanction ordered by the Court within 14-days. Plaintiff filed this motion for contempt on April 2, 2024, certifying copies of its petition was served by first-class mail to:

Troy Little
Edge Electric
70037 Johnson Drive
Minatare, NE 69356

and to

Troy Little
Edge Electric
P.O. Box 744
Minatare, NE 69356

([Filing No. 44 at p. 8](#)).

However, after review of the docket, the undersigned magistrate judge has concerns regarding whether Mr. Little has received notice of all the filings in this case, including Plaintiff's petition to hold him in contempt. As early as July 18, 2022, mail sent by the Clerk of Court to Mr. Little at 70037 Johnson Drive, Minatare, NE 69356, and to Edge Electric, 70037 Johnson Drive,

P.O. Box 744, Minatare, NE 69356, has been returned as undeliverable, unable to forward.¹ ([Filing No. 18](#); [Filing No. 19](#)).

Plaintiff obtained clerk's entry of default against Mr. Little and Edge Electric on June 21, 2022, ([Filing No. 14](#)), and on July 15, 2022, Plaintiff filed a motion for entry of default judgment. ([Filing No. 17](#)). Plaintiff's motion for entry of default judgment did not indicate how the motion was served on Mr. Little and Edge Electric, but on July 19, 2022, Plaintiff filed a Supplemental Certificate Service showing its motion for entry of default was mailed to Mr. Little and Edge Electric both at the Minatare, Nebraska addresses, and at 1740 12th St. Gering, NE 69341. ([Filing No. 20](#)). The address in Gering, NE is the same address used by Plaintiff to serve personal notice of this action upon Mr. Little and Edge Electric on May 13, 2022. ([Filing No. 10](#); [Filing No. 11](#)). The Court's Memorandum and Order filed on September 22, 2022, granting Plaintiff's Motion for Entry of Default Judgment ([Filing No. 21](#)) was returned as undeliverable to Mr. Little and Edge Electric at the Minatare, NE addresses on October 3, 2023. The Clerk did not mail a copy to Mr. Little at the Gering, NE address. ([Filing No. 22](#); [Filing No. 23](#)).

Plaintiff began post-judgment discovery in aid of execution of its judgment. April 6, 2023, Plaintiff "attempted" to mail a copy of Plaintiff's First set of Written Discovery to Troy Little and Edge Electric to P.O. Box 744, Minatare, Nebraska 69356 and to 70037 Johnson Drive, Minatare, Nebraska 69356. ([Filing No. 33 at p. 1](#)). On April 11, 2023, Plaintiff hired a process serving company to serve a copy of Plaintiff's First set of Written Discovery to Troy Little and Edge Electric. On April 14, 2023, the process server served a copy of Plaintiff's First set of Written Discovery upon Mr. Little's "suspected wife," Shalee Little, at 1740 12th St. Gering, NE 69341. Mrs. Little thereafter contacted Plaintiff's counsel to say Mr. Little "no longer lived at the address." ([Filing No. 33](#)). On April 25, 2023, the process server personally served a copy of Plaintiff's First set of Written Discovery upon Mr. Little at 1740 12th St. Gering, NE 69341. ([Filing No. 33-4](#)).

On June 12, 2023, when Mr. Little did not respond to the request for discovery, Plaintiff filed a motion to compel, serving a copy of the motion upon Mr. Little at 70037 Johnson Drive, Minatare, NE 69356, and at 740 12th St. Gering, NE 69341. ([Filing No. 29](#)). On July 13, 2023, the Court granted the motion to compel, in part, and also ordered Mr. Little to show cause by

¹ The Court also notes that the address listed on the docket for Edge Electric—70037 Johnson Drive, P.O. Box 744, Minatare, NE 69356—differs from the address utilized by Plaintiff, which does *not* include a street address with the P.O. Box number—Edge Electric, P.O. Box 744 Minatare, NE 69356.

August 14, 2023, why he should not be sanctioned for his past failure to respond to written discovery. The Court directed that its order be mailed to Mr. Little to his address of record at 70037 Johnson Drive, Minatare, NE 69356, and to 1740 12th St. Gering, NE 69341. ([Filing No. 35](#)).

Mr. Little did not respond to the Court's order for him to show cause, so on September 7, 2023, the Court entered a text order directing Plaintiff to file a detailed itemization of attorney's fees incurred in connection with its Motion to Compel. The Clerk of Court mailed a copy of the Order to Mr. Little and Edge Electric only at the Minatare, NE addresses as their addresses of record. (Filing No. 39). Plaintiff filed a statement of attorney's fees on September 22, 2023, and a supplemental statement of attorney's fees on November 27, 2023. The certificates of service on those statements reflect Plaintiff only mailed copies of those filings to Mr. Little and Edge Electric at the Minatare, NE addresses. ([Filing No. 40](#); [Filing No. 42](#)).

On December 18, 2023, the Court entered an Order requiring Mr. Little to pay to Plaintiff \$1,858.38 in attorney's fees and costs incurred in connection with Plaintiff's motion to compel. The Clerk of Court mailed a copy of the Order to Mr. Little and Edge Electric only at the Minatare, NE addresses as their addresses of record. ([Filing No. 43](#)).

Mr. Little did not pay the attorney's fee sanction nor respond to written discovery; as such, on April 2, 2024, Plaintiff filed this petition to hold Mr. Little in contempt, certifying copies of its petition were mailed to Mr. Little only at the Minatare, NE addresses. ([Filing No. 44](#)).

On April 11, 2024, the Chief Judge entered the General Order reassigning this case to the undersigned magistrate judge due to Magistrate Judge Susan M. Bazis's appointment as a United States District Judge on April 10, 2024. (Filing No. 45). The Clerk of Court mailed a copy of that General Order to Mr. Little and Edge Electric at the Minatare, NE addresses, and on April 24, 2024, the mail was returned as undeliverable to Mr. Little and Edge Electric. ([Filing No. 46](#); [Filing No. 47](#)).

Mr. Little did not respond to Plaintiff's petition for contempt, which is unsurprising given his failure to participate in any of these proceedings since their inception. However, the record also indicates it is possible Mr. Little has not received notice of any of these proceedings since September 2023, as all mailings have been sent only to the 70037 Johnson Drive, Minatare, NE addresses, which appear to have not been valid mailing addresses for Mr. Little and Edge Electric for some time. Due to the nature of the relief sought by Plaintiff in its petition for contempt,

including a request that the Court issue a bench warrant for Mr. Little's arrest, the Court will require Plaintiff to demonstrate Mr. Little has actually received notice of its petition for contempt. Within 30-days of this Order, Plaintiff shall file a certificate of service demonstrating service of its petition for contempt upon Mr. Little in a manner acceptable under Rule 4(e) of the Federal Rules of Civil Procedure. Accordingly,

IT IS ORDERED: On or before **June 12, 2024**, Plaintiff shall file a Certificate of Service demonstrating service of its Petition to Hold Troy Little in Contempt of Court and For Issuance of a Bench Warrant ([Filing No. 44](#)) upon Mr. Little in a manner acceptable under Rule 4(e) of the Federal Rules of Civil Procedure.

Dated this 13th day of May, 2024.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge